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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2011-551

**Laura Jean Gardner  
a.k.a. Laura Jean Goswell Gardner  
10809 Troy Highway  
Pike Road, AL 36064**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Registered Nurse License No. 609304

Respondent.

**FINDINGS OF FACT**

1. On or about December 20, 2010, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2011-551 against Laura Jean Gardner (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

2. On or about November 14, 2002, the Board of Registered Nursing (Board) issued Registered Nurse License No. 609304 to Respondent. The Registered Nurse License expired on June 30, 2004, and has not been renewed.

3. On or about December 20, 2010, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2011-551, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions

Code section 136 and/or agency specific statute or regulation, is required to be reported and maintained with the Board, which was and is:

10809 Troy Highway  
Pike Road, AL 36064

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

5. On or about January 10, 2011, the aforementioned documents were returned by the U.S. Postal Service marked "Unclaimed."

6. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

7. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-551.

8. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2011-551, finds that the charges and allegations in Accusation No. 2011-551, are separately and severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$192.50 as of February 17, 2011.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Laura Jean Gardner has subjected her Registered Nurse License No. 609304 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.:

CAUSE FOR DISCIPLINE

(Disciplinary Action by the Alabama Board of Nursing)

4. Respondent is subject to disciplinary action pursuant to Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the Alabama Board of Nursing ("Alabama Board"), as follows: On or about January 22, 2007, Respondent entered into a Voluntary Disciplinary Alternative Program Agreement ("Agreement") with the Alabama Board in which she agreed to comply with certain terms (Respondent had admitted chemical dependency and acknowledged the need for treatment). On or about July 16, 2010, pursuant to the Consent Order in the disciplinary proceeding titled "In the Matter of: Laura Jean Boswell Gardner License No. 1-092071", ABN Case No. 2010-0758, the Alabama Board suspended Respondent's license to practice as a registered nurse in the State of Alabama due to her failure to comply with certain terms of the Agreement. The Board ordered that Respondent's license will remain suspended until such time as the Board receives documentation of Respondent's compliance with certain stipulations. Upon receipt of the required documentation, Respondent's license will be reinstated on probation for a period of 60 months pursuant to certain terms and conditions. Respondent was also ordered to pay a fine in the amount of \$1,000. A true and correct copy of the Consent Order is attached hereto as Exhibit A and incorporated herein.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. 609304, heretofore issued to Respondent Laura Jean Gardner, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on May 23, 2011.

It is so ORDERED April 21, 2011.

  
FOR THE BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS

10667827.DOC  
DOJ Matter ID:SA2010102513

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 EDMUND G. BROWN JR.  
2 Attorney General of California  
3 ALFREDO TERRAZAS  
4 Senior Assistant Attorney General  
5 ARTHUR D. TAGGART  
6 Supervising Deputy Attorney General  
7 State Bar No. 083047  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550  
Telephone: (916) 324-5339  
Facsimile: (916) 327-8643  
*Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-551

13 **LAURA JEAN GARDNER,**  
14 **a.k.a. LAURA JEAN BOSWELL GARDNER**  
15 **10809 Troy Hwy.**  
16 **Pike Road, AL 36064**  
17 **Registered Nurse License No. 609304**

**ACCUSATION**

Respondent.

18 Complainant alleges:

**PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 2. On or about November 14, 2002, the Board issued Registered Nurse License Number  
23 609304 to Laura Jean Gardner, also known as Laura Jean Boswell Gardner ("Respondent").  
24 Respondent's registered nurse license expired on June 30, 2004.

**STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

28 ///

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision  
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed  
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct, which includes, but is not limited to, the  
11 following:

11 ....

12 (4) Denial of licensure, revocation, suspension, restriction, or any other  
13 disciplinary action against a health care professional license or certificate by another  
14 state or territory of the United States, by any other government agency, or by another  
California health care professional licensing board. A certified copy of the decision  
or judgment shall be conclusive evidence of that action . . .

#### 15 COST RECOVERY

16 6. Code section 125.3 provides, in pertinent part, that the Board may request the  
17 administrative law judge to direct a licensee found to have committed a violation or violations of  
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
19 enforcement of the case.

#### 20 CAUSE FOR DISCIPLINE

##### 21 (Disciplinary Action by the Alabama Board of Nursing)

22 7. Respondent is subject to disciplinary action pursuant to Code section 2761,  
23 subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the  
24 Alabama Board of Nursing ("Alabama Board"), as follows: On or about January 22, 2007,  
25 Respondent entered into a Voluntary Disciplinary Alternative Program Agreement ("Agreement")  
26 with the Alabama Board in which she agreed to comply with certain terms (Respondent had  
27 admitted chemical dependency and acknowledged the need for treatment). On or about July 16,  
28 2010, pursuant to the Consent Order in the disciplinary proceeding titled "In the Matter of: Laura

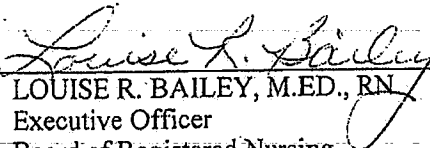
Jean Boswell Gardner License No. 1-092071", ABN Case No. 2010-0758, the Alabama Board suspended Respondent's license to practice as a registered nurse in the State of Alabama due to her failure to comply with certain terms of the Agreement. The Board ordered that Respondent's license will remain suspended until such time as the Board receives documentation of Respondent's compliance with certain stipulations. Upon receipt of the required documentation, Respondent's license will be reinstated on probation for a period of 60 months pursuant to certain terms and conditions. Respondent was also ordered to pay a fine in the amount of \$1,000. A true and correct copy of the Consent Order is attached hereto as Exhibit A and incorporated herein.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 609304, issued to Laura Jean Gardner, also known as Laura Jean Boswell Gardner;
2. Ordering Laura Jean Gardner, also known as Laura Jean Boswell Gardner, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 12/20/10

  
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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**EXHIBIT A**

**Consent Order; Alabama Board of Nursing, ABN Case No. 2010-0758**

BEFORE THE ALABAMA BOARD OF NURSING

IN THE MATTER OF:

LAURA JEAN BOSWELL GARDNER

LICENSE NO. 1-092071

Respondent.

ABN CASE NO. 2010-0758

CONSENT ORDER

The Alabama Board of Nursing, hereinafter referred to as Board, having evidence that LAURA JEAN BOSWELL GARDNER, hereinafter referred to as Respondent, is in violation of the Code of Alabama 1975, § 34-21-25, and the Alabama Board of Nursing Administrative Code, § 610-X-8; and Respondent, desiring to avoid the necessity of a formal hearing, do hereby enter into this Consent Order in lieu of proceeding with further disciplinary action. Respondent understands the right to a formal hearing in this matter and hereby knowingly waives such right. Respondent further understands and agrees that this is a non-appealable Order.

FINDINGS OF FACT

I.

On March 1, 2000, Respondent was licensed by examination by the Alabama Board of Nursing as a Registered Nurse (RN) and was so licensed at all times relevant to matters stated herein. The Respondent is currently licensed through December 31, 2010.

Respondent is also licensed as a Registered Nurse (RN) in the State of Florida (RN9203432, expired April 30, 2005).

II.

On January 22, 2007, Respondent was accepted into the Board of Nursing's Voluntary Disciplinary Alternative Program (VDAP) for a period of sixty (60) months monitoring of multiple stipulations and requirements by the Board; this acceptance was formalized and memorialized in a

Voluntary Disciplinary Alternative Program Agreement ("Agreement"), signed on this same day by both the Respondent and the Board. Said VDAP Agreement arose from the following conduct:

- In December 2006, the Board received notice from Jackson Hospital and Clinic, Inc., that Respondent had failed a for cause drug screen by testing positive for Meperidine; the notice indicated that the drug screen was conducted after patient medication was discovered stolen.
- In January 2007, Respondent admitted that she had been using IV Demerol in the last four months of 2006; Respondent also admitted stealing the substance from work and, eventually, using the drug while on duty.
- The Respondent admitted chemical dependency and on December 13, 2006, entered partial hospitalization treatment at Meadhaven Addictive Disease Program, Montgomery, Alabama, a Board-recognized treatment provider.

### III.

Stipulated term number 12 of the Agreement requires the Respondent to abstain completely from the non-prescribed use of controlled substances as defined in the Alabama Uniformed Controlled Substances act, except as otherwise provided by the Order. The Respondent tested positive for Propoxyphene (GC/MS confirmed) on a January 6, 2010, random urine drug screen. The Respondent has failed to provide a valid prescription for this controlled substance.

### IV.

Stipulated term number 3 of the Agreement requires the Respondent to undergo subsequent evaluations by a recognized provider with a health care professionals tract should such be requested by the Board following a relapse and, further, requires that the Respondent follow all treatment recommendations from the provider including in-patient treatment, out-patient treatment, half-way house, residential long term treatment, counseling, etc.

As a result of the Respondent's positive drug screen, the Board instructed Respondent to undergo a relapse evaluation. Respondent submitted to a relapse evaluation at the UAB Addiction Recovery Program, and UAB recommended further treatment at the partial hospitalization level, including a health care professionals' component.

In a phone call on March 3, 2010, as well as in a letter dated March 12, 2010, the Board advised the Respondent that she had until March 20, 2010 to begin the recommended treatment; the Respondent has not entered treatment.

V.

Stipulated term number 7 of the Agreement requires the Respondent to attend a minimum of three (3) 12 Step meetings each week and to submit meeting attendance verification sheets every month. The reports due October 10, 2009, February 10, 2010, March 10, 2010, April 10, 2010, May 10, 2010, and June 10, 2010, have not been received.

The report due February 10, 2009, was received delinquently February 19, 2009. The report due March 10, 2009, was received delinquently March 24, 2009. The report due April 10, 2009, was received delinquently May 15, 2009. The report due June 10, 2009, was received delinquently September 3, 2009. The report due July 10, 2009, was received delinquently September 24, 2009. The report due August 10, 2009, was received delinquently September 16, 2009. The report due September 10, 2009, was received delinquently November 23, 2009.

VI.

Stipulated term number 8 of the Agreement requires the Respondent to submit written self-reports every month. The reports due February 10, 2010, March 10, 2010, April 10, 2010, May 10, 2010, and June 10, 2010, have not been received.

The report due February 10, 2009, was received delinquently February 19, 2009. The report due March 10, 2009, was received delinquently March 24, 2009. The report due April 10, 2009, was received delinquently May 15, 2009. The report due June 10, 2009, was received delinquently September 3, 2009. The report due July 10, 2009, was received delinquently

September 24, 2009. The report due August 10, 2009, was received delinquent September 16, 2009. The report due September 10, 2009, was received delinquent November 23, 2009. The report due October 10, 2009, was received delinquent November 24, 2009.

## VII.

Stipulated term number 13 of the Agreement requires the Respondent to participate in random drug testing. The Respondent failed to provide samples for random drug screens for August 10, 2009, October 24, 2009, February 23, 2010, February 25, 2010, March 16, 2010, and March 23, 2010.

## CONCLUSIONS OF LAW

1. Respondent's conduct as described in Paragraphs II through IV of the Findings of Fact demonstrates that Respondent is addicted to the use of habit-forming drugs to such an extent as to render her unsafe or unreliable in violation of the Code of Alabama 1975, § 34-21-25(b)(1)(d), and the Alabama Board of Nursing Administrative Code § 610-X-8-.03(4)(a), (b), (d), and (h).
2. Respondent's conduct as described in Paragraphs II through IV of the Findings of Fact demonstrates that Respondent is unable to safely practice nursing with reasonable skill and safety to patients by reason of excessive use of drugs, narcotics, chemicals, or any other substances in violation of the Code of Alabama 1975, § 34-21-25(b)(1)(e).
3. Respondent's conduct as described in Paragraph III of the Findings of Fact demonstrates that Respondent has engaged in personal use of an unauthorized or illegal drug or substance in violation of Code of Alabama 1975, § 34-21-25(b)(1)(g), and the Alabama Board of Nursing Administrative Code § 610-X-8-.03(6)(v). Said conduct is unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters pertaining to health.
4. Respondent's conduct as described in Paragraphs III through VII of the Findings of Fact demonstrates that Respondent has willfully or repeatedly violated the provisions of Article 2 of the Alabama Nurse Practice Act as defined by Board rules and regulations by failing to comply with

stipulated terms and conditions of a Board contract, in violation of the Code of Alabama 1975, § 34-21-25(h) and the Alabama Board of Nursing Administrative Code, § 610-X-8-.03(8)(d).

### ORDER

Respondent's VDAP Agreement of January 22, 2007, is hereby terminated upon the Board's acceptance of the instant Order. Respondent's Alabama Registered Nurse License, No. **1-092071**, is hereby **SUSPENDED** until such time as the Board is in receipt of documentation of: (a) required comprehensive evaluations performed pursuant to Stipulation Number 4 below (**completed**); (b) successful completion of the initial phase of a treatment program as specified in Stipulation Number 5 below; (c) participation in an aftercare program as specified in Stipulation Number 6 below; (d) negative random monthly urine drug screens as specified in Stipulation Number 14 below; (e) active participation in Twelve Step Meetings as specified in Stipulation Number 8 below; (f) accrual of requisite continuing education contact hours; and, (g) payment of appropriate fees. Upon receipt of the above, Respondent's license will be reinstated on **PROBATION** for a period of **SIXTY (60) MONTHS** pursuant to the terms and conditions in this Order. In no event will this period of suspension extend longer than **TWELVE (12) MONTHS** past the effective date of this Order. Should such occur, Respondent's licensure status will be considered as and listed as revoked.

1. **Return of Wallet ID Card**

Respondent's wallet ID card shall be **immediately** returned to the Alabama Board of Nursing office. Upon reinstatement, Respondent will be issued a wallet ID card which indicates probationary status.

2. **Duration of Order**

The duration of this Order is for a period of sixty (60) months unless extended pursuant to Stipulation Number 4 below. This time period is subject to Stipulation Number 24 below.

3. **Fine**

Respondent shall pay a fine in the amount of **\$1,000**. This fine must be paid within thirty (30) days of the effective date of Respondent's reinstatement. Respondent understands that failure

to pay the fine is cause for additional disciplinary action by the Board of Nursing.

4. Evaluations (Chemical Dependency) (RELAPSE EVALUATION COMPLETE)

Respondent must submit the results of required comprehensive evaluations for chemical dependency, physical and mental illness from a Board-recognized treatment provider with Board consultation with the evaluating professional prior to making the assessment. Respondent must abide by any requests and recommendations from the providers that may include inpatient evaluation, outpatient evaluation, partial hospitalization evaluation and psychological testing.

Respondent is also required to undergo subsequent evaluations by a recognized provider with a healthcare professionals tract should such be requested by the Board following a relapse or for other cause. Respondent must follow all treatment recommendations from the provider including inpatient treatment, outpatient treatment, halfway house, residential long-term treatment, counseling, etc.

The Respondent shall return to the original treatment provider(s) or other Board-approved provider for required comprehensive evaluations and a determination of readiness to practice without supervision and/or monitoring. Said evaluations must be performed within the ninety (90) day period immediately prior to the scheduled termination of this Order. Based upon the evaluations, the Board may extend the period of this Order and require additional treatment, counseling, etc.

5. Treatment Program

The program must be a Board-recognized chemical dependency treatment program. Respondent shall cause the director of the treatment program to submit to the Board proof of Respondent's entry into a primary intensive alcohol/drug treatment program in accordance with the recommendations made during the evaluation process which may include inpatient treatment, outpatient treatment, halfway house, residential long-term treatment and/or a combination thereof. Respondent shall also cause the program director to provide the Board with documentation concerning Respondent's successful completion of the program, readiness to return to the safe practice of nursing and recommendations and arrangements for appropriate follow-up.

6. **Aftercare Program**

Unless otherwise recommended by the treatment provider and approved by the Board, the Respondent, within one (1) week of the completion of the initial phase of the treatment program, shall enter a Board-acceptable chemical dependency aftercare program with said program to meet on a weekly basis and to extend for a minimum of one (1) year. Respondent shall also cause the program to submit to the Board, in writing, and on the Board-approved form, documentation of the Respondent's attendance, participation and progress in the program. Such reports are due quarterly, according to schedule, for the duration of the probationary period or until successful completion of the aftercare program. In the event the Respondent is discharged from the aftercare program for noncompliance, the Respondent and the program are to immediately notify the Board, in writing, of such occurrence. This is required regardless of whether Respondent is employed in nursing.

7. **Individual/Group Counseling**

Respondent shall participate regularly in a Board-acceptable counseling program contingent upon the recommendations of the original treatment program. Respondent shall continue in counseling for as long as deemed necessary by the counselor/therapist. This stipulation is in addition to meeting the stipulation requiring aftercare participation. Respondent shall have the counselor/therapist to notify the Board when continued counseling is no longer indicated and Respondent is discharged or when there is a failure to complete or comply with the course of therapy. Respondent shall also cause the program to submit to the Board, in writing and on the Board-approved form, evidence of satisfactory participation and progress in counseling. Such reports are due quarterly, according to schedule, as long as indicated during the period of this Order. This is required regardless of whether Respondent is employed in nursing.

8. **Twelve Step Meetings**

Respondent shall attend and participate in a minimum of three (3) Twelve Step meetings per week for the duration of this Order. The Respondent shall submit meeting attendance



verification sheets monthly, according to schedule, on the Board-approved form, for the duration of the Order period. It is required that Respondent have a sponsor during the period of this Order. If there is a sponsor, the Board should be provided sufficient information as how to contact this individual. This is required regardless of whether Respondent is employed in nursing.

9. **Self-Report**

Respondent shall submit a written status report to the Board on a Board-approved form. This is to be submitted on a monthly basis, according to schedule, and must contain a self-assessment of current status. This report is required regardless of whether Respondent is employed in nursing.

10. **Primary Physician – Drug Use Exception**

The Respondent will have only one primary physician/group during the period of this Order. The primary physician must refer to any other physician, except in a documented emergency. All mood-altering medications or medications containing a mood-altering substance must be prescribed to Respondent by this primary physician for a bona fide medical condition, or if prescribed by the referred physician, must be immediately reported in writing by the Respondent to the primary physician with a copy to the Board. Respondent must notify the Board of the name, address, and telephone number of the primary physician within ten (10) days of the effective date of this Order and within ten (10) days in the case of a new physician. Respondent shall cause any and all prescriptions to be verified to the Board by the prescribing practitioner on a Board-provided form at the time of the issuance of a prescription and must also provide verification of all medications prescribed prior to the Respondent's Board Order. No prescription over twelve (12) months old should be taken without an updated prescription verification. The Board or its designee may, at any time, request the practitioner to document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board. This is required regardless of whether Respondent is employed in nursing.

11. Dentist – Drug Use Exception

The Respondent will have only one dentist during the period of this Order. The primary dentist must refer to any other dentist or dental specialist, except in a documented emergency. All mood-altering medications or medications containing a mood-altering substance must be prescribed to Respondent by this primary dentist for a bona fide dental condition, or if prescribed by a referred dentist, must be immediately reported in writing by the Respondent to the primary dentist with a copy to the Board. Respondent must notify the Board of the name, address, and telephone number of the primary dentist within ten (10) days of the effective date of this Order. Respondent shall cause any and all prescriptions to be verified to the Board by the prescribing dentist on a Board-provided form at the time of the issuance of a prescription and must also provide verification of all medications prescribed prior to the Respondent's Board Order. No prescription over twelve (12) months old should be taken without an updated prescription verification. The Board or its designee may, at any time, request the practitioner to document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board. This is required regardless of whether Respondent is employed in nursing.

12. Abstain from Alcohol Use

Respondent shall abstain completely from the use of any substance containing alcohol.

13. Abstain from Drug Use

Respondent shall abstain completely from the non-prescribed use or possession of controlled substances as defined in the Alabama Uniform Controlled Substances Act, illegal drugs as defined by law, mood-altering substances, or any drugs requiring a prescription (legend) except as provided for in this Order.

14. Drug Screening

Respondent shall participate as directed in a Board-acceptable program for random drug testing. The drug screen will be a Board-approved drug screen and may include additional

chemicals as designated by the Board or its designee. A minimum of one (1) random testing per month shall be done and may be required more frequently as requested by the Board or its designee. Further, the Board or its designee may at any time require the Respondent to undergo additional drug screening of a type specified by the Board, including hair testing, to ensure that the Respondent is free of chemical substances. Refusal to provide a specimen suitable for testing within the requested time frame constitutes a violation of this Order and grounds for disciplinary action. Respondent waives any argument as to chain-of-custody of the sample or validity/accuracy of its testing regarding any positive screen received by the Board from an approved testing facility. The report of a positive drug screen which is not a result of documented, prescribed medications as provided for herein shall be considered a violation of this Order. This is required regardless of whether Respondent is employed in nursing.

15. **Employment - Monitoring**

Respondent shall practice only under the on-site monitoring of a Board-approved licensed health professional in good standing with their professional regulatory body. The employment monitor is not required to be on the same unit or ward as Respondent but should be on site and readily available to provide assistance and intervention in the event the Respondent appears impaired or otherwise unable to safely practice. The Respondent shall work only regularly assigned, identified, and predetermined units. The on-site monitor shall be primarily one (1) person. The Respondent shall not be self-employed or contract for services.

16. **Employment-Increased Autonomy**

Following two (2) years of satisfactory compliance with stipulations, Respondent may request to work areas which have limited supervision. If such is granted, said employment will be with specified conditions as set forth by the Board. In no event may Respondent engage in unsupervised practice without prior written authorization from the Board or its designee.

17. **Restricted Employment**

Respondent shall not work for a nursing registry, traveling nurse agency, nursing float pool, hospice, home health agency, or temporary employment agency without prior written authorization from the Board or its designee.

18. **Employment-Supervision Restriction**

Respondent shall not be employed as a supervising nurse.

19. **Employment - Access to Drugs**

Respondent shall not administer or have access to controlled substance medications for a minimum of six (6) months of employment, and shall not have access to or administer controlled substance medications until written permission is received from the Board stating this stipulation no longer applies. Respondent shall work in nursing a minimum of six (6) months without this restriction prior to completing the Order.

20. **Employment - Hours of Practice**

Respondent shall not work more than eighty (80) hours in a two (2) week period without prior written authorization from the Board or its designee.

21. **Employment - Notification**

Respondent shall provide all health care employers, collaborative and covering physicians (if CRNP/CNM) and schools of nursing with a copy of this Order and cause each to acknowledge to the Board that a copy of this Order has been provided to them. Said notification shall be received by the Board no later than ten (10) days after the effective date of this Order or within ten (10) days of Respondent's employment or advanced practice approval or entry into school and must be on the Board-provided form.

22. **Employment - Change in Status**

Respondent shall not accept or change employment without prior written notification to the Board. Said notification must include the name and number of the person who will be Respondent's supervisor.

23. Employment - Evaluation of Performance

Respondent shall cause the employer to provide to the Board, on a Board-approved form, a written evaluation of Respondent's nursing performance. Such reports are due quarterly, according to schedule. The receipt of an unfavorable report may be considered to be a violation of this Order. If Respondent is not employed as a nurse, Respondent is required to inform the Board of employment status in the monthly self-report.

24. Not Employed in Nursing

In order to complete the terms of this Order, the Respondent must have been employed as a practicing nurse for a minimum period of eighteen (18) months. During periods of employment in fields other than nursing, Respondent is not relieved from compliance with all other terms and conditions of this Order.

25. Alabama Licensure Status

Respondent must maintain a current license at all times during the period of probation. If for any reason Respondent allows the nursing license to lapse/expire, such may be cause for disciplinary action.

26. Notification of Board

If Respondent is arrested by any law enforcement agency or is admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent shall cause the Board to be notified immediately. Respondent also shall immediately report to the Board any relapse as well as any disciplinary action issued by an employer. Should Respondent test positive on any drug screen conducted by an employer, an employee assistance program, court referral program or other entity, the Respondent shall immediately report such to the Board.

27. Change of Address

Respondent shall immediately notify the Board, in writing, of any change of address.

28. **Relocation**

The Respondent must notify the Board of pending relocation outside the State of Alabama. If Respondent plans to relocate to another state, Respondent must inform that state's board of nursing as to licensure status and may request the Alabama Board to transfer monitoring to the other state. If monitored by another state, Respondent must successfully complete all requirements of the Board Order of the other jurisdiction in order to fulfill the terms of this Order. Respondent must submit to the Alabama Board a copy of the Order from the other state and official notification of successful completion or unsuccessful termination thereof. The Board retains the right to withdraw approval for out-of-state monitoring if circumstances indicate that such is appropriate.

29. **Personal Interview**

Respondent shall appear in person for interviews at the request of the Board or Board designee.

30. **Obey the Laws**

Respondent shall refrain from violation of any federal, state or local law or rule or Order of the Board. A conviction on any criminal charge pending at the time of the signing of this Order may result in further disciplinary action. Any arrest subsequent to the signing of this Order may result in further disciplinary action.

31. **Release of Records and Information**

Respondent hereby authorizes the Board of Nursing to submit information and all records necessary to ensure compliance with the stipulations of this Order and public safety. This includes communication with Respondent's employer (existing and prospective) and members of Respondent's treatment team regarding noncompliance and/or possible relapse. Respondent also agrees to execute all appropriate release of information forms so as to allow all treatment providers, healthcare providers, employers and all other necessary persons to inform the Board, in writing, of Respondent's status and progress.

32. Violation

Any deviation from the requirements of this Order without the written consent of the Board shall constitute a violation of this Order and will be cause for disciplinary action.

33. Subsequent Practice Act Violation

Should supplemental cause for disciplinary action arise during the period of this Order such is cause for disciplinary action.

34. Fraudulent Acts During Period of Order

Submission of fraudulent documents or reports or misrepresentation of facts relating to the terms and conditions stated herein shall constitute a violation of this Order.

35. Termination of Order

This Order shall terminate only upon receipt of documents to satisfy all terms and conditions of this Order, including receipt of official court records documenting successful completion of court-ordered probation, pretrial diversionary-type program, drug court, etc., where applicable. This period of probation will not terminate until notification by the Board to Respondent in writing that all terms and conditions have been met and the probation has been completed.

36. Public Information

This Order is public information. All disciplinary actions of the Board will be reported to all required data banks.

37. Effective Date

The effective date of this Order shall be the documented date of service or attempted service by certified mail or personal service.

38. Final Order

This Order is subject to full Board consideration and acceptance before it shall be final.

EXECUTED on this the 21 day of June 2010.

Laura Jean Boswell Gardner  
LAURA JEAN BOSWELL GARDNER

APPROVED AND ACCEPTED by the ALABAMA BOARD OF NURSING on this the 16<sup>th</sup>  
day of July 2010.

N. Genell Lee  
N. GENELL LEE, RN, MSN, JD  
EXECUTIVE OFFICER  
ALABAMA BOARD OF NURSING



**VOLUNTARY DISCIPLINARY ALTERNATIVE PROGRAM AGREEMENT**

**THE ALABAMA BOARD OF NURSING**

IN THE MATTER OF:

LAURA JEAN GARDNER

LICENSE NO. 1-092071

CASE NO. 2007.0203

)  
)  
) **VOLUNTARY DISCIPLINARY**  
) **ALTERNATIVE PROGRAM AGREEMENT**  
)  
)

The Alabama Board of Nursing, hereinafter referred to as Board, having evidence that **Laura Jean Gardner**, hereinafter referred to as Respondent, is in violation of the Code of Alabama 1975, §34-21-25, and of the Alabama Board of Nursing Administrative Code, §610-X-8-.03; hereby enters into this agreement with the Respondent in lieu of proceeding with traditional disciplinary action. Respondent understands the right to a formal hearing in this matter and hereby knowingly waives such right. Respondent further understands and agrees that this is a non-appealable Order.

**FINDINGS OF FACT**

**I.**

On March 1, 2000, Respondent was licensed by the Alabama Board of Nursing as a **Registered Nurse (RN)** and was so licensed at all times relevant to matters stated herein.

**II.**

The Respondent has admitted chemical dependency and has acknowledged the need for treatment. On December 13, 2006 the Respondent entered outpatient treatment at Meadhaven Addictive Disease Program, Montgomery, Alabama, a Board-approved treatment provider.

**CONCLUSIONS OF LAW**

The conduct stated above constitutes sufficient grounds for the imposition of sanctions against Respondent's license to practice nursing in the State of Alabama pursuant to the Code of Alabama 1975, § 34-21-25, and the Alabama Board of Nursing Administrative Code, § 610-X-8-

.03. The Alabama Board of Nursing has the authority to enter into and enforce this Agreement pursuant to the Code of Alabama 1975, § 34-21-25(j) and the Alabama Board of Nursing Administrative Code § 610-X-13.

### ORDER

The Respondent, holder of Alabama License Number, (1-092071), agrees and acknowledges that continued licensure is contingent upon compliance with the terms of this Agreement and that failure to adhere to said terms is cause for discharge from this program and grounds for disciplinary action by the Board. The terms of this Agreement are as follows:

#### 1. Duration of Agreement

Respondent acknowledges that the duration of this Agreement is for a period of sixty (60) months unless extended pursuant to stipulation 3 below. Respondent may apply for early release after thirty-six (36) months of satisfactory compliance with all the stipulations of this agreement. If Respondent applies for early release, a comprehensive chemical dependency, physical and mental evaluation from a treatment provider with a healthcare professionals tract which supports early release shall be submitted to the Board. Said evaluation must be performed within the ninety (90) day period immediately prior to submission of the application for early release.

#### 2. Monitoring Fee

Respondent shall pay a monitoring fee in the amount of \$1000. This fee must be paid within thirty (30) days of the documented date of release from treatment or within thirty (30) days of the signing of this Agreement, whichever comes later. Respondent understands that failure to pay the fee is cause for discharge from this program and disciplinary action by the Board of Nursing.

#### 3. Evaluations

Within thirty (30) days of the effective date of this Agreement, Respondent must submit the results of required comprehensive evaluations for chemical dependency, physical and mental illness from a Board recognized treatment provider with Board consultation with the evaluating professional prior to making the assessment. Respondent must abide by any requests and

recommendations from the provider that may include in-patient evaluation, outpatient evaluation, partial-hospitalization evaluation and psychological testing. Should Respondent, for any reason, fail to comply with this stipulation, such will be grounds for discharge from this program and disciplinary action. Respondent cannot be employed as a nurse during the evaluation process.

Respondent is also required to undergo subsequent evaluations by recognized provider with a health care professionals tract should such be requested by the Board following a relapse or for other cause. Respondent must follow all treatment recommendations from the provider including in-patient treatment, out-patient treatment, half-way house, residential long term treatment, counseling, etc.

If not eligible for early release, the Respondent shall return to the original treatment provider or other Board-approved provider for required comprehensive evaluations and a determination of readiness to practice without supervision and/or monitoring. Said evaluation must be performed within the ninety-(90) day period immediately prior to the scheduled termination of this Agreement. Based upon the evaluation, the Board may extend the period of this Agreement and require additional treatment, counseling, etc.

#### 4. Treatment Program

The program must be a Board recognized chemical dependency treatment program. Respondent shall cause the director of the treatment program to submit to the Board proof of Respondent's entry into a primary intensive alcohol/drug treatment program in accordance with the recommendations made during the evaluation process which may include in-patient treatment, out-patient treatment, half-way house, residential long term treatment and/or a combination thereof. Respondent shall also cause the program director to provide the Board with documentation concerning Respondent's successful completion of the program and recommendations and arrangements for appropriate follow-up. Should Respondent, for any reason, fail to comply with this stipulation, such will be grounds for discharge from this program and disciplinary action. Respondent cannot be employed as a licensed nurse until completion of the initial phase of the

treatment program and then may only do so upon satisfaction of all recommendations from the provider and documentation by said provider of readiness to return to professional employment and ability to provide safe nursing practice.

5. **Aftercare Program**

Unless otherwise recommended by the treatment provider and approved by the Board, the Respondent, within one (1) week of the completion of the initial phase of the treatment program, shall enter a Board acceptable chemical dependency aftercare program with said program to meet on a weekly basis and to extend for a minimum of one (1) year. Respondent shall also cause the program to submit to the Board, in writing, and on the Board-approved form, documentation of the Respondent's attendance, participation and progress in the program. Such reports are due quarterly, according to schedule, for the remainder of the monitoring period or until successful completion of the aftercare program. In the event the Respondent is discharged from the aftercare program for noncompliance, the Respondent and the program are to immediately notify the Board, in writing, of such occurrence. This is required regardless of whether Respondent is employed in nursing.

6. **Individual/Group Counseling**

Respondent shall participate regularly in a Board-acceptable counseling program contingent upon the recommendations of the original treatment program. Respondent shall continue in counseling for as long as deemed necessary by the counselor/therapist. This stipulation is in addition to meeting the stipulation requiring aftercare participation. Respondent shall have the counselor/therapist notify the Board when continued counseling is no longer indicated and Respondent is discharged or when there is a failure to complete or comply with the course of therapy. Respondent shall also cause the program to submit to the Board, in writing and on the Board-approved form, evidence of satisfactory participation and progress in counseling. Such reports are due quarterly, according to schedule, as long as indicated during the period of this Agreement. This is required regardless of whether Respondent is employed in nursing.

7. **Twelve Step Meetings**

Respondent shall attend and participate in a minimum of three Twelve-Step meetings per week for the duration of this Agreement. The Respondent shall submit Meeting Attendance Verification Sheets monthly, according to schedule, on the Board-approved form, for the remainder of the Agreement period. It is required that Respondent have a Sponsor during the period of this Agreement. The Board should be provided sufficient information as how to contact this individual. This is required regardless of whether Respondent is employed in nursing.

8. **Self Report**

Respondent shall submit a written status report to the Board on a Board-approved form. This is to be submitted on a monthly basis, according to schedule, must contain a self-assessment of current status. This report is required regardless of whether Respondent is employed in nursing.

9. **Primary Physician – Drug Use Exception**

The Respondent will have only one primary physician/group during the period of this agreement. The primary physician must refer to any other physician, except in a documented emergency. All mood altering medications or medications containing a mood-altering substance must be prescribed to Respondent by this primary physician for a bona fide medical condition, or if prescribed by the referred physician, must be immediately reported in writing by the Respondent to the primary physician with a copy to the Board. Respondent must notify the Board of the name, address, and telephone number of the primary physician within 10 days of the effective date of this Agreement and within ten (10) days in the case of a new physician. Respondent shall cause any and all prescriptions to be verified to the Board by the prescribing practitioner on a Board provided form at the time of the issuance of a prescription and must also provide verification of all medications prescribed prior to the Respondent's entry into this Agreement. No prescription over twelve (12) months old should be taken without an updated prescription verification. The Board or its designee may, at any time, request the practitioner to document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including

over-the-counter drugs, and produce such record upon request by the Board. This is required regardless of whether Respondent is employed in nursing.

10. **Dentist – Drug Use Exception**

The Respondent will have only one dentist during the period of this agreement. The primary dentist must refer to any other dentist or dental specialist, except in a documented emergency. All mood altering medications or medications containing a mood altering substance must be prescribed to Respondent by this primary dentist for a bona fide dental condition, or if prescribed by a referred dentist, must be immediately reported in writing by the Respondent to the primary dentist with a copy to the Board. Respondent must notify the Board of the name, address, and telephone number of the primary dentist within ten (10) days of the effective date of this Agreement, and within ten days in the case of a new dentist. Respondent shall cause any and all prescriptions to be verified to the Board by the prescribing dentist on a Board provided form at the time of the issuance of a prescription and must also provide verification of all medications prescribed prior to the Respondent's entry into this Agreement. No prescription over twelve (12) months old should be taken without an updated prescription verification. The Board or its designee may, at any time, request the practitioner to document the continued need for prescribed medications. Respondent shall keep a written record of medications taken, including over-the-counter drugs, and produce such record upon request by the Board. This is required regardless of whether Respondent is employed in nursing.

11. **Abstain from Alcohol Use**

Respondent shall abstain completely from the use of any substance containing alcohol.

12. **Abstain from Drug Use**

Respondent shall abstain completely from the nonprescribed use or possession of controlled substances as defined in the Alabama Uniform Controlled Substances Act, illegal drugs as defined by law, mood altering substances, or any drugs requiring a prescription (legend) except as provided for in this agreement.

13. **Drug Screening**

Respondent shall participate as directed in a Board-acceptable program for random biological drug testing. The drug screen will be a Board-approved drug screen and may include additional chemicals as designated by the Board or its designee. A minimum of one (1) random testing per month shall be done and may be required more frequently as requested by the Board or its designee. Further, the Board or its designee may at anytime require the Respondent to undergo additional drug screening of a type specified by the Board, including hair testing, to ensure that the Respondent is free of chemical substances. Refusal to provide a specimen suitable for testing within the requested time frame constitutes a violation of this Agreement and such will be cause for dismissal from this program and grounds for disciplinary action. Respondent waives any argument as to chain-of-custody of the sample or validity/accuracy of its testing regarding any positive screen received by the Board from an approved testing facility. The report of a positive drug screen which is not a result of documented, prescribed medications as provided for herein shall be considered a violation of this Agreement. This is required regardless of whether Respondent is employed in nursing.

14. **Employment - Monitoring**

Respondent shall practice only under the on-site monitoring of a Board-approved licensed health professional in good standing with their professional regulatory body. The employment monitor is not required to be on the same unit or ward as Respondent, but should be on site and readily available to provide assistance and intervention in the event the Respondent appears impaired or otherwise unable to safely practice. The Respondent shall work only regularly assigned, identified, and predetermined units. The on-site monitor shall be primarily one (1) person. The Respondent shall not be self-employed or contract for services.

15. **Employment-Increased Autonomy**

Following two (2) years of satisfactory compliance with stipulations, Respondent may request to work areas which have limited supervision. If such is granted, said employment will be with

specified conditions as set forth by the Board. In no event may Respondent engage in unsupervised practice without written authorization from the Board.

16. **Restricted Employment**

Respondent shall not work for a nursing registry, traveling nurse agency, nursing float pool, hospice, home health agency, or temporary employment agency without prior written approval from the Board or its designee.

17. **Employment-Supervision Restriction**

Respondent shall not be employed as a supervising nurse.

18. **Employment - Access to Drugs**

Respondent shall not administer or have access to controlled substance medications for a minimum of six (6) months of employment, and shall not have access to or administer controlled substance medications until written permission is received from the Board stating this stipulation no longer applies. Respondent shall work in nursing a minimum of six (6) months without this restriction prior to completing the agreement.

19. **Employment - Hours of Practice**

Respondent shall not work more than eighty (80) hours in a two- (2) week period.

20. **Employment - Notification of Participation**

Respondent shall provide any health care employers, collaborative and covering physicians (if CRNP/CNM) and/or school of nursing with a copy of this Agreement and cause each to acknowledge to the Board, in writing, that a copy of the Agreement has been provided to them. Said notification shall be received by the Board no later than ten (10) days after the effective date of this Agreement or within ten (10) days of Respondent's employment or advanced practice approval or entry into school and must be on the Board-provided form.



21. **Employment - Change in Status**

Respondent shall not accept or change employment without prior written notification to the Board. Said notification must include the name and number of the person who will be Respondent's supervisor for the period of this Agreement.

22. **Employment - Evaluation of Performance**

Respondent shall cause the employer to provide the Board, on a Board-approved form, a written evaluation of Respondent's nursing performance. Such reports are due quarterly, according to schedule. The receipt of an unfavorable report may be considered to be a violation of this Agreement. If Respondent is not employed as a nurse, Respondent is required to inform the Board of employment status in the monthly self-report.

23. **Not Employed in Nursing**

In order to complete the terms of this Agreement, the Respondent must have been employed as a practicing nurse for a minimum period of eighteen (18) months. During periods of employment in fields other than nursing, Respondent is not relieved from compliance with all other terms and conditions of this Agreement.

24. **Alabama Licensure Status**

Respondent must maintain a current license at all times during the period of this Agreement. If for any reason Respondent allows the nursing license to lapse/expire, such may be cause for dismissal from the program and grounds for disciplinary action.

25. **Notification of Board**

If Respondent is arrested by any law-enforcement agency or is admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent shall cause the Board to be notified immediately. Respondent also shall immediately report to the Board any relapse as well as any disciplinary action issued by an employer. Should Respondent

test positive on any drug screen conducted by an employer, an employee assistance program, court-referral program or other entity, the Respondent shall immediately report such to the Board.

26. **Change of Address**

Respondent shall immediately notify the Board, in writing, of any change of address.

27. **Relocation**

The Respondent must notify the Board of pending relocation outside the State of Alabama. If Respondent plans to relocate to another state, Respondent must request permission of the Alabama Board to apply to the other state's monitoring program. If permission is granted the Respondent must inform the Board of Nursing in that state and apply to that state's monitoring program. If accepted into the monitoring program of another state, Respondent must successfully complete that program in order to fulfill the terms of this Agreement. Respondent must submit to the Board a copy of the Agreement from the other state and official notification of successful completion or unsuccessful termination thereof. In the event Respondent is not approved to apply to the other state's program or is not accepted into that program or there is no such program in the other state, it is agreed that Respondent's Alabama license will be placed on a probationary status and will comply with the terms and conditions of that Order. The Board retains the right to withdraw approval for out-of-state monitoring if circumstances indicate that such is appropriate.

In the event Respondent relocates to another country, Respondent must abide by recommendations of the Board as to continued participation in the program.

28. **Personal Interview**

Respondent shall appear in person for interviews at the request of the Board or Board designee.

29. **Obey the Laws**

Respondent shall refrain from violation of any federal, state or local law or rule or Order of the Board. A felony conviction on any criminal charge pending at the time of the signing of this Agreement will result in discharge from the program and is grounds for disciplinary action. Any

arrest subsequent to the signing of this Agreement not based upon facts disclosed at the time of the signing will result in discharge from the program and may be grounds for disciplinary action.

30. **Release of Records and Information**

Respondent hereby authorizes the Board of Nursing to submit information and all records necessary to ensure compliance with the stipulations of this Agreement and public safety. This includes communication with Respondent's employer (existing and prospective) and members of Respondent's treatment team regarding non-compliance and/or possible relapse. Respondent also agrees to execute all appropriate release of information forms so as to allow all treatment providers, healthcare providers, employers and all other necessary persons to inform the Board, in writing, of Respondent's status and progress.

31. **Violation**

Any deviation from the requirements of this Agreement without the written consent of the Board shall constitute a violation of this Agreement and will be cause for discharge from the program and grounds for disciplinary action.

32. **Subsequent Practice Act Violation**

Should supplemental cause for disciplinary action arise during the period of this Agreement such is cause for discharge from the program and grounds for disciplinary action.

33. **Fraudulent Acts During Period of Agreement**

Submission of fraudulent documents or reports or misrepresentation of facts relating to the terms and conditions stated herein shall constitute a violation of this Agreement.

34. **Termination of Agreement**

This Agreement shall terminate only upon receipt of documents to satisfy all terms and conditions and the Respondent is notified in writing of successful completion thereof. This period of monitoring will not terminate until notification by the Board to Respondent in writing that all terms and conditions of the Agreement have been met.

35. Public Information

This Agreement and Respondent's records are public information up until Respondent's successful completion of this Agreement. Upon successful completion, Respondent's records are not subject to public disclosure. All disciplinary actions of the Board will be reported to all required data banks.

36. Effective Date

The effective date of this Agreement shall be the date of Respondent's acceptance into the program as denoted by the signature of the program director.

EXECUTED on this the 22 day of January 2007.

Laura Jean Gardner  
LAURA JEAN GARDNER

APPROVED AND ACCEPTED by the ALABAMA BOARD OF NURSING on this the 22nd day of January 2007.

N. Genell Lee  
N. GENELL LEE, RN, MSN, JD  
EXECUTIVE OFFICER  
ALABAMA BOARD OF NURSING

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